

Island County Court Facilitator
501 N. Main Street
Coupeville, WA 98239
(360) 678-7981

CONTESTED MODIFICATION OF PARENTING PLAN AND CHILD SUPPORT

1. Obtain and prepare the necessary forms. You can purchase a packet of forms from the Island County Superior Court Clerk or you can download forms for free at the following websites:

www.courts.wa.gov/forms

(for standardized State forms)

www.islandcounty.net/superiorcourt

(for Island County forms and rules)

2. Start by filling out and signing the following forms:

_____ **Petition for Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule (PTMD) WPF DRPSCU 07.0100**

_____ **Summons (Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule) (SM) WPF DRPSCU 07.0120**

_____ **Confidential Information Form (INFO) WPF DRPSCU 09.0200**

_____ **Addendum to Confidential Information Form (AD) WPF DRPSCU 09.0210**

Parenting Plan *(Choose the one appropriate for your situation.)*

_____ **Parenting Plan – Proposed (PPP) WPF DR 01.0400** *(Divorced Parents)*

_____ **Parenting Plan – Proposed (PPP) WPF PS 01.0400** *(Unmarried Parents)*

_____ **Parenting Plan – Proposed (PPP) WPF PS 15.0600** *(Unmarried Parents)*

or

Residential Schedule *(Choose the one appropriate for your situation.)*

_____ **Residential Schedule – Proposed (PRS) WPF CU 01.0450** *(Non-Parental Custody)*

_____ **Residential Schedule – Proposed (PRS) WPF PS 01.0450** *(Unmarried Parents)*

_____ **Residential Schedule – Proposed (PRS) WPF PS 15.0650** *(Unmarried Parents)*

If you are not sure which form to use, and if your original Parenting Plan is from Washington, look at your current Parenting Plan and find the form number on the bottom of the pages.

You must explain in your Petition why you believe that the Court should modify your Parenting Plan.

Depending on your specific reasons for modification, you may also want to file declarations from people who can support you. It is best if you use the standard Declaration form:

_____ **Declaration of _____ [Name] (DCLR) WPF DRPSCU 01.0100**

Note that Declarations do not have to be notarized because they are signed “upon penalty of perjury.” You may also want to file other evidence that supports you. Remember that everything you file is public record, unless you file it under SEAL using a Sealed Document Cover Page.

If the original Parenting Plan/Custody Order was in Island County, make sure that your caption on the first page of each document is the same as your original case. Whoever was the Petitioner in your original Island County case is still the Petitioner in this case, you must use the same case number. The person bringing the modification is called the “Requesting Party.”

If you are addressing Child Support as part of the Parenting Plan Modification then you will also need:

_____ **Sealed Financial Source Documents (Cover Sheet) (SEALFN) (attach current proof of income)**

_____ **Financial Declaration (FNDCLR) WPF DRPSCU 01.1550**

_____ **Child Support Worksheets – Proposed WSCSS Worksheets**

When preparing the Child Support Worksheets you will need to put in an amount for the other party’s income. If you do not know their current income you can impute their income (*See the **Washington State Child Support Schedule***), make a reasonable estimate as to their income or use the same numbers used in the most recent order. If your original Child Support Order is being enforced by the State of Washington, you can request the other party’s financial information from your enforcement officer. For more information on calculating child support please see the **Washington State Child Support Schedule, Definitions and Standard, Instructions and Economic Table (WSCSS-Schedule)** and/or www.courts.wa.gov/ssgen.

Order of Child Support (Choose the one appropriate for your situation.)

_____ **Child Support – Proposed (TMORS, ORS) WPF DR 01.0500 (Divorced Parents)**

_____ **Child Support – Proposed (TMORS, ORS) WPF PS 01.0500 (Unmarried Parents)**

_____ **Child Support – Proposed (TMORS, ORS) WPF PS 15.0700 (Unmarried Parents)**

_____ **Child Support – Proposed (TMORS, ORS) WPF CU 01.0500 (Non-Parental Custody)**

Make copies of all forms after you have completed and signed them. The Superior Court Clerk's Office will keep the original documents for your court file and you will need a set of copies for yourself and another set to serve on the other party.

File the original documents with the Island County Superior Court Clerk in Coupeville (101 NE Sixth Street). The filing fee is payable only in cash, money order or cashier's check; the Superior Court Clerk can inform you of the current fee amount. The fee can be waived in some cases. The forms necessary to obtaining a fee waiver are available on the State website, at Court Administration, or from the Court Facilitator.

If the Parenting Plan/Custody Order you want to modify is from another county in Washington, you must obtain a certified copy of your original Parenting Plan/Custody Order and file it with your Petition.

3. **Serve the other person:** Have the other party served with a copy of all of the documents except for the **Confidential Information Form**.

You cannot serve the documents yourself. Personal service must be done by a person over the age of 18 and not involved in the case. The person doing the service must complete:

Return of Service WPF DRPCU 01.0250

Make sure all the proper boxes are marked as to what documents were served and that the date, time, and place of service are filled out because this is your proof that the other party was properly served with copies of all the documents. Once this form is completed, make a copy and file the original with the Superior Court Clerk.

The Island County Sheriff's Office can also serve the documents for a fee if the other party lives in Island County. If the other party does not live in Island County, contact the Sheriff's Office, or a Process Server, in the county in which he/she lives.

The other party has **20 days** (if served in Washington) or **60 days** (if served outside Washington) to file a **Response** to your Petition. If you need to serve by publication or by mail, you must ask the Court for permission to do so.

4. If you need assistance with understanding forms or procedures, the Court Facilitator can review forms you have prepared yourself, answer questions, or help you with procedures.
 - **The Court Facilitator cannot give legal advice.**
 - The Court Facilitator does not represent you and may also assist the other party in this action.
 - There is a \$40 (cash only) fee per one hour appointment, payable to the Island County Superior Court Clerk before your appointment.
 - To make an appointment call (360) 678-7981 or email [**d.mehlhaff@co.island.wa**](mailto:d.mehlhaff@co.island.wa)

5. **Note to Respondents:** If you are served with a copy of the Petition and Summons, you must file a

_____ **Response to Petition for Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule (RSP) WPF DRPSCU 07.0200**

within **20 days** (if served within the State) or **60 days** (if served outside the State). File your Response with the Superior Court Clerk's Office and send a copy "***certified mail return receipt requested***" to the Petitioner at the address indicated on the Summons. You may also want to file and send your own Proposed Parenting Plan and Child Support Worksheets.

You may also want to include your own:

_____ **Declaration of _____ [Name] (DCLR) WPF DRPSCU 01.0100**

_____ **Sealed Financial Source Documents (Cover Sheet) (SEALFN) (*attach current proof of income*)**

_____ **Financial Declaration (FNDCLR) WPF DRPSCU 01.1550**

_____ **Child Support Worksheets – Proposed WSCSS Worksheets**

_____ **Confidential Information Form (INFO) WPF DRPSCU 09.0200**

_____ **Addendum to Confidential Information Form (AD) WPF DRPSCU 09.0210**

Parenting Plan or Residential Schedule (*Choose the one appropriate for your situation.*)

The Court Facilitator can help you calculate child support and can answer questions about the forms or procedures.

6. **Default Orders:** If the other party does not file a Response to your petition within the allowed time, you can present a

_____ **Motion for Default WPF DRPSCU 03.0100** and an

_____ **Order on Default WPF DRPSCU 03.0200**

to the Judge on the Court's ***Ex-Parte Calendar***. If the Judge signs an Order of Default then you can finalize the case without the other party's participation or signature.

Bring the forms listed below to finalize your modifications:

_____ **Order re: Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule (ORMDD) WPF DRPSCU 07.0400**

_____ **Parenting Plan or Residential Schedule – Final** (*Choose the one appropriate for your situation.*)

_____ **Child Support Worksheets – Final WSCSS Worksheets**

_____ **Order of Child Support – Final** (*Choose the one appropriate for your situation.*)

7. **If the other party responds and is not in agreement with the modification**, then either party can request an ***Adequate Cause Hearing*** by filing either a

_____ **Petitioner’s Notice of Hearing for Adequate Cause Determination (NTHG)**
WPF DRPSCU 07.0250

or

_____ **Respondent’s Notice of Hearing for Adequate Cause Determination (NHG)**
WPF DRPSCU 07.0250

On the ***Notice of Hearing*** you must pick a Monday at 9:30 a.m. for the hearing, and you must mail the ***Notice of Hearing*** to the other party. You must give the other party at least 9 court days notice of the hearing.

At the ***Adequate Cause Hearing*** the Judge or Commissioner decides whether or not adequate cause exists to modify the Parenting Plan. Bring with you to the ***Adequate Cause Hearing*** an

_____ **Order re Adequate Cause (Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule) (ORRACDE, ORRACG, ORH) WPF DRPSCU 07.0300**

8. If the Commissioner or Judge finds that adequate cause exists, then you and the other party can proceed finish your contested case.
- If you and the other party can agree on a new parenting plan then you can finish your case by filling out the final documents listed below and setting a hearing for the Court to enter your agreed final orders on the modification.
 - If you cannot agree then you must attempt mediation and try to come to an agreement through the mediation process. A list of approved mediators is available from Court Administration or the Island County Superior Court website: www.islandcounty.net/superiorcourt.

9. If you still cannot agree after mediation, then either party can set a trial by filling out and filing a

_____ **Note for Trial Assignment (Local Court Form)**

available from the Clerk’s office or online at www.islandcounty.net/superiorcourt.

On the Note for Trial Assignment pick a Monday that is at least 2 weeks away. The Monday that you pick is not a hearing that you go to. Instead, on that date, the Court Administrator will pull your file, check for conflict dates, set a trial date, and send you and the other party a letter listing the trial date. If both parties know there are dates that they will not be available for trial they should file a

_____ **Notice of Conflict Dates (Local Court Form)**

10. Both parties must complete a

_____ **Supplemental Information Form (Local Court Form)**

Each party must provide the required information on all people (including their selves) over the age of 11 living in their household. Submit the form to the Superior Court Administration at least 10 days before the date of your dissolution hearing.

11. **To prepare for your trial you must read and understand the Local Court Rules for Island County Superior Court.** Find the rules online at www.islandcounty.net/superiorcourt.
- One of the local rules requires you to confirm your trial with Court Administration at least 2 days before the schedule date. If you do not comply with this rule your trial will be cancelled.
12. **At your trial you can present evidence and provide witnesses that support your position.** After both sides have presented all their evidence, then the Judge will make a decision on your case. You may be requested to prepare final orders in compliance with the Judge's decision.
13. **Final Orders** required for Modifications of Parenting Plan include:

_____ **Order re: Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule (ORMDD) WPF DRPSCU 07.0400**

_____ **Parenting Plan or Residential Schedule – Final** *(Choose the one appropriate for your situation.)*

_____ **Residential Time Summary Report (RTSR) WPF DR 01.0410**

If you are also addressing Child Support then you must also bring:

_____ **Child Support Worksheets – Final WSCSS Worksheets**

_____ **Order of Child Support – Final** *(Choose the one appropriate for your situation.)*

<p>This checklist is not a substitute for legal advice. Before starting any legal action, it is always wise to consult an Attorney regarding your rights and responsibilities. Many Attorneys offer consultations. The Court Facilitator cannot give legal advice. Only an Attorney can give legal advice.</p>

Island County Superior Court “Ex-Parte” Calendar:

Mondays at 9:30 a.m.

Tuesdays through Fridays at 1 p.m.

You must check in with the Superior Court Clerk’s Office at least 30 minutes before the court time.

Helpful Websites:

www.islandcounty.net/superiorcourt (general information, local forms and rules)

www.nwjustice.org (general information and links to other resources)

www.washingtonlawhelp.org (general information and sample forms)

www.courts.wa.gov (forms and other information)

www.dshs.wa.gov/dcs (information on child support & calculator)

Helpful Phone Numbers:

Island County Superior Court Clerk’s Office (360) 679-7359

Island County Superior Court Administration (360) 679-7361

CLEAR Referral line for Volunteer Lawyer Program: (888) 201-1014

State Prosecuting Attorney – Family Support Division (360) 336-9461